

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Criminal No. 05-cr-110-01-SM

Joshua Meier


O R D E R

Defendant sought bail conditions under Rule 32.1(a)(6). Under Rule 32.1(a)(6) defendant bears the burden of establishing by clear and convincing evidence that he will not flee and that he poses no danger to any other person or to the community. The defendant was previously released on conditions in this case, and was specifically warned that he was obliged to comply strictly with every condition if he wished to remain free pending resolution of the supervised release violations charged against him. Nevertheless, he has failed to comply in that he has conceded that he used cocaine. It is plain there is no condition or combination of conditions that will likely insure the safety of the community, or protect the community from the danger posed by defendant, particularly in light of his history of violence and drug use and his refusal to comply with the conditions previously set.

Accordingly, it is **ORDERED** that the defendant be detained pending trial.

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED.



Steven J. McAuliffe
United States District Judge

October 24, 2007

cc: Donald A. Feith, AUSA
Paul A. Maggiotto, Esq.
Daniel D. Lustenberger, Esq.
U.S. Marshal
U.S. Probation